

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 05-CR-80337
HON. GEORGE CARAM STEEH

HERMAN NORMAN JOHNSON,
a/k/a HERMAN DAVIS,

Defendant.

ORDER DENYING'S DEFENDANT'S MOTION FOR RECONSIDERATION (# 164)

Defendant Herman Johnson moves for reconsideration of this court's February 5, 2010 Order denying Johnson's motion to suppress all oral statements he made to jailhouse informant Tommy Hodges, and for an evidentiary hearing on the matter. Generally, and without restricting the court's discretion, the court will not grant a motion for reconsideration that merely presents the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case. E.D. Mich. LR 7.1(g)(3).

Johnson's attempt to distinguish Texas v. Cobb, 532 U.S. 162 (2001) on its facts is not persuasive, and falls short of establishing palpable error. Neither is the court persuaded that the dissenting opinion in Cobb demonstrates palpable error. Johnson's motion merely presents the same issues expressly ruled upon by the court, or by reasonable implication. Accordingly, and pursuant to Local Rule 7.1(g)(3),

Johnson's motion for reconsideration is hereby DENIED.

SO ORDERED.

Dated: February 23, 2010

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
February 23, 2010, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk